

MEMO ENDORSED

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July 3, 2008

BY FACSIMILE TRANSMISSION / (212) 805-6326

To: The Honorable Colleen McMahon, United States District Court Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312


Re: MM Arizona Holdings LLC v. Nicholas W. Bonanno, Jr. et al., Case No.: 08 Civ. 5353
(Hon. Colleen McMahon, D.J.; Hon. Andrew J. Peck, M.J.)

Your Honor:

I write at the suggestion of a Clerk in your Chambers. This office was retained yesterday to represent defendants Nicholas and Rita Bonanno, whose current deadline to respond to the Complaint dated June 11, 2008 is July 10, 2008. Upon receiving the file yesterday, I immediately contacted counsel to the plaintiff, Christopher F. Graham, to request a 28-day adjournment of our response deadline. Mr. Graham agreed to discuss an extension after I filed a Notice of Appearance. I did so immediately, sent Mr. Graham a cover letter over a copy of the Notice, and politely reiterated my request for a short adjournment. Mr. Graham has not responded, but has been party to certain e-mails I've been sent by his colleague. That attorney, who is situated in Atlanta, has declined to grant any adjournment unless he receives certain pre-answer discovery in advance. I sincerely regret having to bring this matter to the court's attention, but my colleague (Stephen L. Cohen) and I are a two-attorney operation and, as noted above, were retained and received the operative documents only yesterday. We need appropriate time to prepare a response to the Complaint, which seeks to enforce a personal guarantee on a \$45,000,000 note. We should not have to bargain for a routine professional courtesy and respectfully urge you to diffuse this unfortunate situation by granting our client until August 8, 2008 to respond to the complaint.

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Respectfully submitted,



Mark D. Marderosian (MM-8116)

To: Christopher F. Graham, Esq., KcKenna Long & Aldridge LLP

7/7/08
Your client has
until August 8
to respond